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a project of the CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE

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Attorneys for Defendant
VERCO MANUFACTURING, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

WATERSHED ENFORCERS,

Plaintiff,

vs.

VERCO MANUFACTURING, INC.,

Defendant.

Case No. C 06 2694 SI

**STIPULATION TO DISMISS
PLAINTIFFS' CLAIMS; [PROPOSED]
ORDER GRANTING DISMISSAL
[FRCP 41(a)(2)]**

Conference: n/a
Time: n/a
Courtroom: n/a

WHEREAS, on February 1, 2006 Plaintiff California Sportfishing Protection Alliance
("CSPA") provided Defendant Verco Manufacturing, Inc. ("Verco") with a Notice of Violations and

1 Intent to File Suit (“Notice”) under Clean Water Act § 505, 33 U.S.C. § 1365.

2 WHEREAS, on April 20, 2006 CSPA filed its Complaint against Verco in this Court,
3 *California Sportfishing Protection Alliance v. Verco Manufacturing, Inc.*, Case No. 06-2694 SI.
4 Said Complaint incorporates by reference all of the allegations contained in CSPA’s Notice.

5 WHEREAS, CSPA and Verco, through their authorized representatives and without either
6 adjudication of CSPA’s claims or admission by Verco of any alleged violation or other wrongdoing,
7 have chosen to resolve in full by way of settlement the allegations of CSPA as set forth in the Notice
8 and Complaint, thereby avoiding the costs and uncertainties of further litigation. A copy of the
9 Settlement Agreement and Mutual Release of Claims (“Settlement Agreement”) entered into by and
10 between CSPA and Verco is attached hereto as Exhibit D and incorporated by reference.

11 WHEREAS, the parties submitted the Settlement Agreement via certified mail, return receipt
12 requested, to the U.S. EPA and the U.S. Department of Justice and the 45 day review period set forth
13 at 40 C.F.R. § 135.5 has completed.

14 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
15 parties that CSPA’s claims, as set forth in the Notice and Complaint, be dismissed. The parties
16 respectfully request an order from this Court dismissing such claims. In accordance with paragraph
17 2 of the Settlement Agreement, the parties also request that this Court maintain jurisdiction over the
18 parties through August 31, 2008 for the sole purpose of resolving any disputes between the parties

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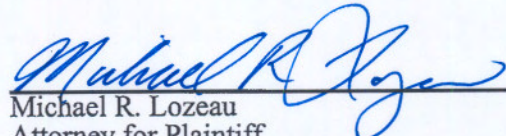
1 with respect to enforcement of any provision of the Settlement Agreement.

2 Dated: September 12, 2006

Respectfully submitted,

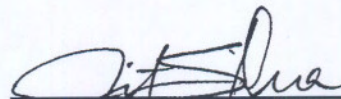
3 LAW OFFICE OF MICHAEL R. LOZEAU

4
5 By:


Michael R. Lozeau
Attorney for Plaintiff
WATERSHED ENFORCERS, a project of the
CALIFORNIA SPORTFISHING PROTECTION
ALLIANCE

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9 SOMACH, SIMMONS & DUNN

10
11 By:


Kanwarjit Dua
Attorney for Defendant Verco Manufacturing, Inc.

12
13 [PROPOSED] ORDER


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15 Good cause appearing, and the parties having stipulated and agreed,

16 IT IS HEREBY ORDERED that Plaintiff California Sportfishing Protection Alliance's
17 claims against Defendant Verco Manufacturing, Inc., as set forth in the Notice and Complaint filed
18 in Case No. C 06 2694 SI, are hereby dismissed.

19 IT IS FURTHER ORDERED that the Court shall retain jurisdiction over the parties through
20 August 31, 2008 for the sole purpose of enforcing compliance by the parties of the terms of the
21 Settlement Agreement, attached to the parties' Stipulation to Dismiss as Exhibit D.

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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24 Dated: _____, 2006


Judge Susan Illston
United States District Court Judge